

## **REMARKS:**

### **I. Introduction**

In the Office Action mailed on May 5, 2008, the Examiner rejected claims 1 to 17 and allowed claims 18 to 20. The present amendment cancels no claims, amends claims 1, 3 to 6, 9, 10, and 12 to 15, and adds no new claims. Accordingly, claims 1 to 20 remain pending in this application.

### **II. Claim Rejections Based on 35 U.S.C. § 103(a)**

(a) The Examiner rejected claims 1 to 9 under 35 U.S.C. 103(a) as being unpatentable over **Osborn et al.** (US 5,775,166) in view of **Osborn** (US 5,277,077).

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of “wherein each of the detent profile and the secondary detent profile is secured to the shifter lever to pivot relative to the base with the shifter lever as the shifter lever moves along the shift path”, “a detent lever pivotably mounted to the base and secured to the pawl so that the pawl pivots with the detent lever between the locking position and the unlocking position”, and “wherein the linear actuator is secured to the base and has a pin extendable along a linear path and extending through a slot in the detent lever to enable linear motion of the pin to pivot the detent lever relative to the base between the locking position and the unlocking position.” No prior art of record discloses or reasonably suggests the present invention as defined by claim 1. Osborn ‘166 nor Osborn ‘077 disclose or suggest pivoting both the detent profile and the secondary detent profile with the shifter lever. Additionally, the pawl of Osborn ‘166 does not pivot and nor does the pawl Osborn ‘077. Furthermore, the linear actuator of Osborn ‘166 is connected to the pawl by a linkage mechanism and Osborn ‘077 does not have a linear actuator. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 10 to 15 under 35 U.S.C. 103(a) as being unpatentable over **Osborn et al.** (US 5,775,166) in view of **Kataumi** (US 5,445,046).

Independent claim 10, and claims dependent therefrom, are allowable because they each include the limitations of “wherein each of the detent profile and the secondary detent

profile is secured to the shifter lever to pivot relative to the base with the shifter lever as the shifter lever moves along the shift path", and "wherein the linear actuator is secured to the base and has a pin extendable along a linear path perpendicular to the detent profile and operatively coupled to the detent lever." Osborn '166 nor Kataumi disclose or suggest pivoting both the detent profile and the secondary detent profile with the shifter lever. Additionally, the linear actuator of Osborn '166 moves parallel to the profile and Kataumi does not have a linear actuator. No prior art of record reasonably discloses or suggests the present invention as defined by claim 10. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over **Osborn et al.** (US 5,775,166) in view of **Kataumi** (US 5,445,046) and further in view of **Osborn** (US 5,277,077).

Claims 16 and 17 are allowable as depending from allowable claim 10 as discussed above and independently allowable for novel and nonobvious matter therein. Reconsideration and withdrawal of the rejection is requested.

### III. ALLOWABLE SUBJECT MATTER

Applicant acknowledges that claims 18 to 20 are allowed.

### IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,



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Richard M. Mescher  
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 227-2026  
Fax: (614) 227-2100

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